

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CHARLES BRENNAN,**  
**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA,**  
**MAYOR JAMES F. KENNEY,**  
**CHRISTINE DERENICK-LOPEZ, and**  
**JANE SLUSSER,**  
**Defendants.**

**CIVIL ACTION**

**NO. 18-1417**

**ORDER**

**AND NOW**, this 21st day of September, 2018, upon consideration of Defendants James F. Kenney, Jane Slusser, Christine Derenick-Lopez and the City of Philadelphia's Second Motion to Dismiss for Failure to State a Claim (ECF No. 7, filed July 3, 2018) and Plaintiff's Memorandum of Law in Response to Defendants' Partial Motion to Dismiss (ECF No. 8, filed July 17, 2018), for the reasons stated in the accompanying Memorandum dated September 21, 2018, **IT IS ORDERED** that Defendants James F. Kenney, Jane Slusser, Christine Derenick-Lopez and the City of Philadelphia's Second Motion to Dismiss for Failure to State a Claim is **GRANTED** with respect to plaintiff's Fourteenth Amendment retaliation claim against all defendants (Count V), and that claim is **DISMISSED WITH PREJUDICE**. The Motion to Dismiss is **DENIED** with respect to all other claims addressed in the Motion—plaintiff's retaliation claims against Kenney under 42 U.S.C. § 1981 (Count I) and the First Amendment under § 1983 (Count III) and plaintiff's Pennsylvania Whistleblower Law retaliation claim against Kenney, Slusser, and Lopez (Count IV).

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled in due course.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**